

REMARKS

By this paper, no claims are amended, added, or cancelled. Accordingly, claims 51-55 and 64-78 remain all of the pending claims. In view of the following remarks, reconsideration and allowance of all the pending claims is anticipated.

Examiner Interview

Applicants thank the Examiner for the courtesy shown to Applicants' representative in the telephonic Examiner Interview conducted April 29, 2010. In the Interview, the Examiner indicated that the pending claims are allowable over the cited references. The Examiner further alleged that a double patenting rejection would be appropriate based on U.S. Patent Application Serial No. 09/558,922 ("the '922 Application")

Without acknowledging the propriety of such a rejection, and solely in an effort to expedite prosecution, Applicants' representative agreed to submit a Terminal Disclaimer in compliance with 37 C.F.R. § 1.321(c) to disclaim the term of a patent resulting from the present application from extending beyond that of a patent granted on the '922 Application.

Terminal Disclaimer

Applicants are filing herewith a Terminal Disclaimer executed by the undersigned Applicants' representative in compliance with 37 C.F.R. § 1.321(c) to disclaim the term of a patent resulting from the present application from extending beyond that of a patent granted on the '922 Application. This Terminal Disclaimer is filed proactively to avoid a double patenting rejection based on the '922 Application. However, the Terminal Disclaimer does not constitute acknowledgement of the propriety of any such rejection by Applicants. Instead, Applicants are filing the Terminal Disclaimer solely in an effort to expedite prosecution.

CONCLUSION

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Date: May 4, 2010

Respectfully submitted,

By:



D. Benjamin Esplin
Reg. No. 58,297

Customer No. 00909

PILLSBURY WINTHROP SHAW PITTMAN LLP
1650 Tysons Boulevard
McLean, Virginia 22102
619-234-5000